

Mr. Michael T. Evans
Mr. Christopher D. Finney
5926 Grand Banks Road
Columbia, Maryland 21044

December 12, 1986

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
SE/S Hillcrest Rd., 366' SW of the c/l of
Althea Ave. (1923 Hillcrest Rd.)
1st Election District
Michael T. Evans, et al - Petitioners
Case No. 87-290-SPH

TIME: 10:15 a.m.
DATE: Monday, January 12, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026090

DATE: 12/22/86 ACCOUNT: 01-113
AMOUNT: \$ 100.00

RECEIVED FROM: Michael T. Evans

FOR: Filing Fee For Special Hearing 1/12/87

5 8555*****1000018 026090

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 7, 1987

Mr. Michael T. Evans
Mr. Christopher D. Finney
5926 Grand Banks Road
Columbia, Maryland 21044

RE: PETITION FOR SPECIAL HEARING
SE/S Hillcrest Rd., 366' SW of the c/l of
Althea Ave. (1923 Hillcrest Rd.)
1st Election District
Michael T. Evans, et al - Petitioners
Case No. 87-290-SPH

Dear Messrs. Evans and Finney:

This is to advise you that \$59.75 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 025790

DATE: 1-12-86 ACCOUNT: 2-01-015000

Signs Returned AMOUNT: \$ 59.75

RECEIVED FROM: Michael T. Evans

FOR: Advertising & Posting 87-290-SPH

5 8555*****1000018 025790

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: December 19, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-290-SPH

In view of the subject of this petition, this office offers
no comment.

Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
DEC 23 1986

ZONING OFFICE

CPS-008

DATE: January 22, 1987
TO : Arnold Jablon
FROM: Mike Evans/ Chris Finney
RE : 1923 Hillcrest Rd.

In accordance with your request at our hearing, this letter
is to confirm that we will be having a law office research
our situation and the aspect of "involuntary" cessation of
the non-conforming use of the property as a dual dwelling.

This letter has also been forwarded to the protestants
present at the first hearing.

Mike Evans/ Chris Finney
5926 Grand Banks Rd
Columbia Md. 21044
(301) 995-3655

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 12-22-86

Posted for: Special Hearing

Petitioners: Michael T. Evans et al

Location of property: SE/S Hillcrest Rd. 366' SW of c/l of

Althea Ave. (1923 Hillcrest Rd.)

Location of Signs: In front of 1923 Hillcrest Rd.

Remarks:

Posted by: A. J. Jablon Signature Date of return: 12-30-86

Number of Signs: 7

Re: Case No. 87-290-SPH Cont'd. Page 2

I think this letter demonstrates that this apart-
ment was only rented to family or close personal friends,
and the time that it was vacant was done voluntarily. Anyone
considering renting a piece of property would never let the
property stay vacant for long periods of time.

At the hearing on January 12, 1987, I informed
Arnold Jablon about a Baltimore County Motor Vehicle Zoning
violation on the property at 1923 Hillcrest Road. He, in
return notified Chris Finney and Mike Evans that they had 15
days to correct it. As of this writing, the violation still
exists.

I want to thank you for your concern and I hope
this resolves the matter. Would another hearing be in order?

Sincerely,

Louis W. Eckhart, Jr.
Louis W. Eckhart, Jr.
1917 Hillcrest Road
Baltimore, Maryland 21207

944-6432

April 8, 1987

RECEIVED
APR 10 1987

ZONING OFFICE

Arnold Jablon
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

Re: Case No. 87-290-SPH
Chris Finney &
Mike Evans

Dear Sir:

In regards to your correspondence dated April 2,
1987, the house and apartment at 1923 Hillcrest Road was
built in 1953 in its entirety. Mr. and Mrs. John Powers
resided there with daughter Betty. Betty Powers and Roger
Huchert were married in 1955. They resided in the apartment
until 1962, when they bought a house at 3320 Courtleigh Drive,
Rockdale, Baltimore County.

Mrs. Grace Silvers moved into the apartment at
1923 Hillcrest Road in 1969. The apartment was vacant for
seven years on a voluntary basis which violates Sec. 104.1
& 104.1 nonconforming use. John and Ruth Powers still resided
there. Mrs. Silvers was a close friend from school days.

John Powers died in 1975; Mrs. Powers and Mrs.
Silvers stayed on until Mrs. Powers died in September, 1984.
Mrs. Silvers moved in December, 1984 to the Baptist Home of
Maryland, 10729 Park Heights Avenue, Owings Mills, Maryland
21117. Phone No. 484-8137

The house stayed vacant until November 1, 1986; a
total of twenty-two months. This also violates Section 104.1
nonconforming use.

Mr. and Mrs. Powers never attempted to rent the
apartment from 1962 - 1969.

Mr. and Mrs. Roger Huchert never attempted to rent
the apartment from December, 1984 - November, 1986. There
was never a "For Rent" sign displayed.

Mike Evans and Chris Finney settled for this prop-
erty on October 1, 1986 and had it rented by November 1, 1986.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

April 13, 1987



Dennis F. Rasmussen
County Executive

Mr. Christopher D. Finney
5926 Grand Banks Road
Columbia, Maryland 21044

and

Mr. Michael T. Evans
3908 Blade Green Lane
Columbia, Maryland 21044

RE: Case No. 87-290-SPH
Michael T. Evans, et al.,
Petitioners

Dear Messrs. Finney and Evans:

Enclosed is a copy of a letter received from Louis W. Eckhart, Jr., for
your information.

I do not believe another hearing day will be necessary and will render my
decision within the next ten (10) days. If either side disagrees with the
decision, an appeal to the Board of Appeals of Baltimore County may be filed
within 30 days from the date of my Order.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Enclosure

cc: Mr. Louis W. Eckhart, Jr.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 25, 1986

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
December 25, 1986.

THE JEFFERSONIAN,

Publisher

Cost of Advertising

24.75

PETITION FOR
SPECIAL HEARING
1st Election District
Case No. 87-290-SPH

LOCATION: Southeast Side of
Hillcrest Road, 366' SW of the
c/l of Althea Avenue
(1923 Hillcrest Rd.)
DATE AND TIME: Monday, January
12, 1987, at 10:15 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of Bal-
timore County, by authority of the Zon-
ing Ordinance of Baltimore County, will
hold a public hearing on the
petition for Special Hearing to ap-
prove the non-conforming use of a re-
sidence.

Being the property of Michael T.
Evans, et al., as shown on the filed
with the Zoning Office.
It is the order of the Zoning Com-
missioner that a hearing permit may be
issued within the next ten (10) day
period. The Zoning Commissioner
will not receive any request for a
stay of the hearing until the day of
the hearing. Such request must be
received by the date of the hearing
and be made at the hearing.

By Order of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
12/24/86 Dec. 25

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 7, 1986

COUNTY OFFICE BLDG.
111 W. Chestapeake Ave.
Towson, Maryland 21204

cdo

Chairman

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentMr. Michael T. Evans
5926 Grand Banks Road
Columbia, Maryland 21044RE: Item No. 168 - Case No. 87-290-SPH
Petitioner: Michael T. Evans, et al
Petition for Special Hearing

Dear Mr. Evans:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERDER
DIRECTORMr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

DECEMBER 18, 1986

Re: Zoning Advisory Meeting of November 11, 1986
Item # 168
Property Owner: MICHAEL T. EVANS, et al
Location: SE/S HILLCREST RD. 366'SW
OF E ALTHEA AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
☒ A County Review Group Meeting is required.
☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
☒ A record plat will be required and must be recorded prior to issuance of a building permit.
☒ The access is not satisfactory.
☒ The circulation on this site is not satisfactory.
☒ The parking arrangement is not satisfactory.
☒ Parking calculations must be shown on the plan.
☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
☒ The amended Development Plan was approved by the Planning Board on
☒ Landscaping: Must comply with Baltimore County Landscape Manual.
☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
☒ Additional comments:

David Fields, Acting Chief
Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. RENCKE
CHIEF

November 24, 1986

RE: Property Owner: Michael T. Evans, et al

Location: SE/S Hillcrest Rd., 366' SW of centerline of Althea Avenue

Item No.: 168

Zoning Agenda: Meeting of 11/11/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Rencke* Noted and Approved: *John F. O'Neill*
 Planning Chief Fire Prevention Bureau
 Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550STEPHEN E. COLLINS
DIRECTOR

December 4, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 167, 168, 170, 172, and 173.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

PETITIONER: *Vera Kelley*
AFFIANT (Handwritten Signature)
EXHIBIT: *2a*
AFFIANT (Printed Name)

I have personal knowledge that the home located at
1923 Hillcrest Rd., Woodlawn Balto. County
 (Address)

has been occupied as a two apartment dwelling since
 (two, three, etc.)

January, 1954. I also have personal knowledge that all
 (month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since January, 1954. This personal knowledge is based upon:

I lived in the apartment at 1923 Hillcrest Road since December 1953. I was personally acquainted with the owner of 1923 Hillcrest Road.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of August, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Vera Kelley, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

William P. Smith
NOTARY PUBLIC

My Commission Expires:

July 1, 1990

Rev. 12/12/85 --nr

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

PETITIONER: *Grace S. Lyde*
AFFIANT (Handwritten Signature)
EXHIBIT: *2b*
AFFIANT (Printed Name)

I have personal knowledge that the home located at
1923 Hillcrest Rd., Woodlawn Balto. County
 (Address)

has been occupied as a two apartment dwelling since
 (two, three, etc.)

January, 1954. I also have personal knowledge that all
 (month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since January, 1954. This personal knowledge is based upon:

I lived in the apartment and had known the owner of the house in childhood.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of August, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared *Grace S. Lyde*, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

William P. Smith
NOTARY PUBLIC

My Commission Expires:

July 1, 1990

Rev. 12/12/85 --nr

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

PETITIONER: *Gertrude Powers*
AFFIANT (Handwritten Signature)
EXHIBIT: *2b*
AFFIANT (Printed Name)

I have personal knowledge that the home located at
1923 Hillcrest Rd., Woodlawn Balto. County
 (Address)

has been occupied as a two apartment dwelling since
 (two, three, etc.)

January, 1954. I also have personal knowledge that all
 (month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since January, 1954. This personal knowledge is based upon:

I lived in the apartment and had known the owner of the house in childhood.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of August, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared *Gertrude Powers*, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

William P. Smith
NOTARY PUBLIC

My Commission Expires:

July 1, 1990

Rev. 12/12/85 --nr

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 2, 1986

TED ZALESKI, JR.
DIRECTORMr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 168 Zoning Advisory Committee Meeting are as follows:

Property Owner: Michael T. Evans, et al
 Location: SE/S Hillcrest Road, 366 ft. SW of c/l of Althea Avenue
 District: 1st.

APPLICABLE TYPES ARE CIRCLED:

- () All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #1-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #11-1 - 1980) and other applicable Codes and Standards.
- () A building and other miscellaneous permits shall be required before the start of any construction. NECESSARY TO SATISFY FIRE SEPARATION AND EXIT REQUIREMENTS OF CODE SECTION 103.1 AS AMENDED BY BILL #11-85. Construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All the Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 3'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups may from Use _____ to Use _____ See Section 317 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood/Alleviation. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #11-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments: A complete 1 hour rating shall be provided between tenants. Each tenant shall have an independent approved exit.

L/22/86

9/9/87



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

December 2, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 168 Zoning Advisory Committee Meeting are as follows:

Property Owner: Michael T. Evans, et al
Location: SE/5 Hillcrest Road, 365 ft. SW of c/l of Althea Avenue
District: 1st.

APPLICABLE CODES AND ORDINANCES:

A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #27-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #17-1 - 1980) and other applicable Codes and Standards.

B. A building and other miscellaneous permits shall be required before the start of any construction necessary to satisfy fire separation and exit requirements of Code Section 103.1.2.

C. Resubmitted by Bill #27-85, drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except B-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. B-1 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1007, Section 1006.2 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 316.0 of the Building Code as adopted by Bill #27-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

J. Comments: A complete 1 hour rating shall be provided between tenants. Each tenant shall have an independent approved exit.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 V. Chesapeake Avenue, Towson, Maryland 21204.

Michael E. Shuman
By: C. E. Shuman, Chief
Building Plans Review

LJ/22/RS

MICROFILMED

tended to it as a dual dwelling. Further, they did in good faith try to maintain the dual dwelling status by trying to sell as a dual dwelling.

There was a question as to whether or not the death of the original property owner constituted an involuntary cessation of the nonconforming use. In consultations with attorneys Michael Peroutka and Thomas McGee we were directed to do the research that has resulted in our disposition over the proposed "cessation" that we are addressing.

Mike and I are very concerned over the future disposition of the property that we purchased. We bought the house as a dual dwelling and we required an addendum to the purchase contract. (also enclosed) We hope that this letter has introduced new information that would affect your position over this property. If we will be having another hearing, if there is something we still need to do, or if you need to make contact for any reason, we will be glad to hear from you.

Sincerely,

Chris Finney

5926 Grand Banks Rd.

Columbia Md. 21044.

730-0817 x381-0600

Mike Evans

8908 Blade Green Lane

Columbia Md. 21045

997-4062 w788-1500

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 2, 1987

Mr. Chris Finney
5926 Grand Banks Road
Columbia, Maryland 21044

and

Mr. Mike Evans
8908 Blade Green Lane
Columbia, Maryland 21045

RE: Case No. 87-290-SPH
Michael T. Evans, et al,
Petitioners

Dear Messrs. Finney and Evans:

By copy of this letter to Mr. Eckhart, whom I am sure will share it with the other protestants who appeared at the hearing, I am asking that they respond in writing to the statements made in your letter to me, received March 31, 1987. I would also like to know when the house was constructed.

As soon as I receive the appropriate responses, I will render my decision.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

cc: Mr. Louis Eckhart

MICROFILMED

CREST REALTORS, INC.

ADDENDUM

Date August 5, 1986

Property 1923 Hillcrest Ave, Baltimore, MD 21207

Buyers Christopher D. Finney & Michael T. Evans

Sellers

The sellers agree to provide buyers with a proper zoning permit which would allow the above captioned property to be used and sold as a two (2) unit dwelling, prior to settlement.

It is also agreed upon by both buyer and seller that if the above condition can not be accomplished prior to settlement the contract of sale can be renegotiated.

to replace locks on door without fitting key.
SELLER ALSO AGREES TO REMOVE SHED/DOCK
STAKE ROTTEN TRUCK FROM PREMISES

Buyer *Chris Finney* Witness *Robert L. Triplett*

Buyer *Mike Evans* Witness *as to both*

Seller *Betty Hugar* Witness *Robert L. Triplett*

Seller _____ Witness _____

MICROFILMED

April 6, 1987

Arnold Jablon, Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Md. 21204

Re: CASE NO. 87-290-SPH
MICHAEL T. EVANS, et al,
PETITIONERS

Dear Mr. Jablon:

In response to your request as to when the property known as 1923 Hillcrest Road was constructed, enclosed please find a copy of the original deed dated January 19, 1954.

If I can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

Michael T. Evans
Michael T. Evans

4/7/87
to file
8

RECEIVED
APR 7 1987

ZONING OFFICE

Arnold Jablon
Baltimore County Zoning Commissioner

Case# 87-290-SPH MICHAEL T. EVANS, et al
1923 Hillcrest

The property in question is in jeopardy of losing its nonconforming use status because at the hearing it was alleged by protestants that the property had been vacant for 2 years. While it is true that there was a vacancy of renting tenants, it is not clear that this necessarily has constituted an abandonment or discontinuance as described in Section 104.1 on nonconforming uses.

Having researched the circumstances surrounding the situation the following are details that seem to preclude the alleged cessation: The house was not changed or altered in any way from a dual dwelling configuration; The period after the last tenant moved out was a period during which the new property owner was making repairs and cleaning the house. Also during this time the house was up for sale by owner, and was advertised as a dual dwelling. (which can be verified by the seller Betty Hugar or her realtor Ruth Triplett) We have enclosed a copy of the listing card describing the property built as two apartments.

Referring again to the clause concerning abandonment or discontinuance, the intent of the new property owner was clearly to maintain the dual dwelling status. The seller (Betty Hugar) inherited the house when her mother died in September 1984. Three months later, a tenant, (Mrs. Silver) who had been living upstairs in the apartment, moved out. The new property owner and her husband made some repairs, cleaned up the house, and most importantly advertised and tried to sell the property as a dual dwelling. They made trips to the property and

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natural lives and the life of the survivor in such manner that any purchaser, lender, mortgagee or creditor thereof will not be liable to see to the application of the proceeds of any sale, mortgage, lease or other disposition in such manner as they or the survivor of them, desire without any obligation on their part or of the survivor of them, to account for the proceeds to the remainderman or persons, and from and immediately after the death of the survivor of the said parties of the second part then the said property, or so much thereof or any interest therein as may not have been disposed of by them or the survivor of them by the exercise of the powers hereinbefore granted, at the said parties of the second part be a lien against said property and to any proceeds thereof, to the said Betty R. Powers, her heirs and assigns, forever in fee simple.

AND the said The Woodlawn Building Company hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted, and that it will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF the said The Woodlawn Building Company by the hand of J. Kennedy Vickers, - - President with its corporate seal hereunto affixed.

Witness:

Edith L. Thorpe

THE WOODLAWN BUILDING COMPANY

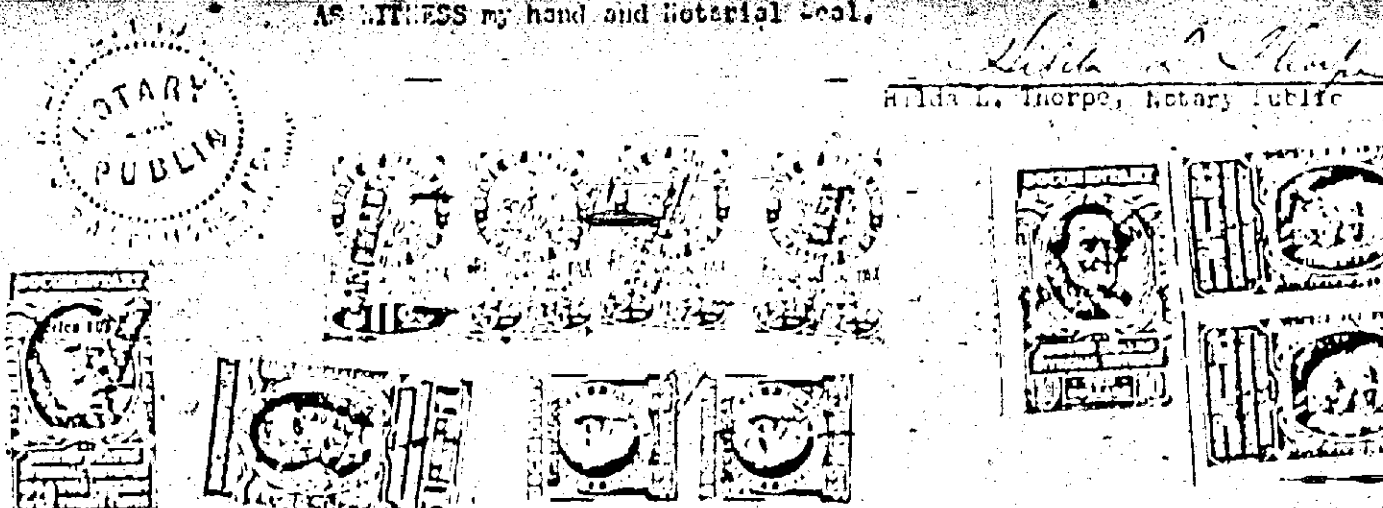
BY *J. Kennedy Vickers*
J. Kennedy Vickers, President

STATE OF MARYLAND, CITY OF BALTIMORE, COUNTY OF:

I HEREBY CERTIFY, that on this 19th day of January, 1954, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City - - personally appeared J. Kennedy Vickers, - - - - - President of The Woodlawn Building Company, and he acknowledged the aforesaid Deed to be the act of said body corporate.

AS WITNESS my hand and Notarial Seal.

Edith L. Thorpe
Edith L. Thorpe, Notary Public



REC'D FOR RECORD Jan, 22 - 1954 9 AM & RECORDED IN THE LAND RECORDS BALTIMORE COUNTY, LIBER G.L.B. 243 FOLIO 82 GEORGE L. BYERLY, CLERK.

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THIS DEED, Made this 19th day of January, 1954, by The Woodlawn Building Company, a body corporate, duly organized and existing under the Laws of the State of Maryland, party of the first part, John H. Powers 3rd and Ruth Powers, his wife, of the County of Baltimore, State of Maryland, parties of the second part, and Betty R. Powers, of the same place, party of the third part.

WITNESSETH that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said The Woodlawn Building Company doth grant and convey unto the said John H. Powers 3rd and Ruth Powers, his wife, for and during the term of their joint natural lives and during the term of the life of the survivor with powers of disposition hereinafter set forth and with remainder over, if undisposed of under said powers, to Betty R. Powers, her heirs and assigns, forever in fee simple, all that lot or parcel of ground situate, lying and being in the County of Baltimore, State of Maryland, and described as follows, that is to say:

Lot No. 13, as shown on the Plat of Woodlawn Park, Section "C" which plat is recorded among the Plat Records of Baltimore County in Plat Book 19, folio 6. The improvements thereon being known as No. 1923 Hillcrest Road.

BEING one of the lots or parcels of ground described in a Deed dated July 1, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 247, folio 748, from J. K. Vickers, Inc. to The Woodlawn Building Company.

TOGETHER with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the lot of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said John H. Powers 3rd and Ruth Powers, his wife, for and during the term of their joint natural lives and during the term of the life of the survivor, with full power and authority in both of them during their joint lives and in the full power and authority in the survivor after the death of one of them, to sell, mortgage, lease or in any other manner dispose of or encumber the said lot or parcel of ground and premises therein (except by Last Will and Testament) and the life estate and remainder therein at any time during their joint

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